

HSA RECOMMENDATIONS

Sustainability. City Code **Section 25-2-356** (*Historic Area District Ordinance and Preservation Plan Requirement*) is amended to add a new Subsection (C) and to read:

- (C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens.

City Code **Section 25-2-353** (*Application Requirements*) is amended to add a new Subsection (B) and to read:

- (B) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application.

Proposed Amendments to LHD Ordinance

1) Treatment of City-Owned Property (Retain Proposed Language, but if necessary, Support ZAP Recommendation)

Only privately-held property shall be considered in the calculation of owner support for an application, except publicly-held property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the HLC. The amount of publicly-held property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district. In no circumstance shall publicly-held property be counted in opposition to the application.

Suggested language: Amend Subsection 25-2-242(5) as follows:

Property owned by the City of Austin or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.

2) Minimum Size (Support combination of HLC, PC and ZAP Recommendations)

The ordinance should be revised to encourage applicants to seek district status for full subdivisions or recognizable neighborhoods, to the extent these subdivisions or neighborhoods remain contiguous and intact, but the minimum size of a local historic district should be deleted or remain in its current form of at least one block face. If any minimum size is to be added, it should allow for exceptions to be made if special circumstances are present, as determined by the HLC.

Suggested language: Amend Subsection 25-2-352(E) as follows:

(E) The minimum size for a historic area (HD) combining district is one block face. A combining district shall seek to include full subdivisions or recognizable neighborhoods, to the extent these subdivisions or neighborhoods remain contiguous and intact. The provisions of this subsection may be waived by the Historic Landmark Commission, upon a showing by an applicant of special circumstances.

3) Penalty for Willful Violation of Demolition by Neglect (No Position)

HSA takes no position on the period of time in which a permit may not be issued for a property when owners have intentionally and willfully violated the protections in Code for a historic structure to the extent that the structure must be demolished. (HLC, PC recommended three years, ZAP recommended two years.)

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Suggested language: N/A

4) Sustainability (Not considered by HLC, PC or ZAP)

HSA supports the inclusion of language that recognizes the importance of the inclusion of sustainability measures and features in LHD guidelines, and the active encouragement of their incorporation. HSA also supports a requirement that all LHD applications be submitted by the Historic Preservation Officer to the Austin Energy Green Builder program for review and recommendations regarding opportunities to incorporate sustainable elements. These recommendations shall be provided to all boards and commissions and Council prior to public hearing and action.

Suggested language: Add a new Subsection 25-2-356(C) as follows:

(C) Consistent with the character-defining features of the district described under Subsection (A)(1), a preservation plan proposed under Subsection (B) may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability, including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain-collection systems and drought-tolerant, native, and edible landscaping and gardens.

Suggested language: Add a new Subsection 25-2-353(D) as follows:

(D) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations shall address the opportunity to incorporate sustainable elements listed in Subsection 25-2-356(C). The recommendations shall be provided to all boards and commissions and Council prior to public hearing and action on the application.

5) Clarification of Review of Permits in LHDs (Not considered by HLC, PC or ZAP)

HSA supports the inclusion of language to clarify the intent regarding review of permits by the HPO or HLC within LHDs. Review of these permits shall be subject solely to the standards contained in the adopted guidelines for the district, and not the standards generally applicable to individually landmarked properties.

Suggested language: Add a new Subsection (D) to Section 25-11-212 as follows:

(D) Review of required permits for contributing structures within a historic area combining district shall be subject solely to the standards contained in the preservation plan and regulations adopted for the specific combining district in accordance with Sec. 25-2-356.

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AFFORDABILITY IMPACT STATEMENT

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT
CITY COUNCIL AGENDA: 08/06/09

PROPOSED CODE AMENDMENT:	AN ORDINANCE RELATING TO HISTORIC LANDMARK TAX EXEMPTIONS, ZONING AND ENFORCEMENT.
IMPACT ON REGULATORY BARRIERS TO HOUSING DEVELOPMENT	<input checked="" type="checkbox"/> INCREASE <input type="checkbox"/> DECREASE <input type="checkbox"/> NO IMPACT
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<input type="checkbox"/> INCREASE <input type="checkbox"/> DECREASE <input checked="" type="checkbox"/> NO IMPACT
IMPACT ON COST OF DEVELOPMENT	<input type="checkbox"/> INCREASE <input type="checkbox"/> DECREASE <input checked="" type="checkbox"/> NO IMPACT
IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input type="checkbox"/> INCREASE <input type="checkbox"/> DECREASE <input checked="" type="checkbox"/> NO IMPACT
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	NO SIGNIFICANT IMPACT ON HOUSING AFFORDABILITY IS ANTICIPATED HOWEVER, COULD PRESENT CHALLENGES TO LOW-INCOME HOMEOWNERS, PARTICULARLY SENIORS.
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	RECOMMEND EDUCATION AND OUTREACH TO LOW-INCOME HOMEOWNERS REGARDING CITY HOME REPAIR AND REHABILITATION PROGRAMS AND OTHER SERVICES FOR TO LOW-INCOME HOMEOWNERS. RECOMMEND PROVIDING ASSISTANCE WITH EXEMPTION REQUESTS AND AUTHORIZING ADMINISTRATIVE FEE/FINE WAIVER FOR LOW-INCOME HOUSEHOLDS.
OTHER HOUSING POLICY CONSIDERATIONS:	
DATE PREPARED:	AUGUST 5, 2009

DIRECTOR'S SIGNATURE: _____

MARGARET R. SHAW